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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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21186	7590	03/25/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			PARTHASARATHY, PRAMILA	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,001

Applicant(s)

DUNCAN ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to request for reconsideration filed on December 29, 2004. Claim 25 was cancelled. New Claim 27 was added. Presently Claims 1 – 24, 26 and 27 are pending.

Response to Arguments

2. Applicant's arguments filed on December 29, 2004, have been fully considered but they are not persuasive for the following reasons:

3. Applicant argued that the cited prior art (CPA) [Devine et al. (U.S. Patent number 6,606,708, hereafter "Devine")] does not teach, suggest or disclose "load balancing function", "resource intensive protocol in determining where to place that proxy", connecting a second load host computer to reflect the new connection", "configuration file" and "distributing the load in round robin fashion".

4. Devine teaches a method for providing secure access to an enterprise network. The network and platform components include clients (the Customer workstations), the Demilitarized Zone (DMZ), a cluster of Web servers, the Dispatcher Server, the application server and the legacy systems (Column 5 line 38 – Column 6 line 67).

5. Regarding Claims 1, 24, 26 and 27, Devine teaches and describes “load balancing function (Column 9 lines 42 – 59 and Column 23 lines 17 – 47)”, “identifying resource intensive protocol (Column 22 line 52 – Column 23 line 28 and Column 24 lines 19 – 43)”, “connecting a second load host computer to dispatcher (Column 24 lines 44 – 51)”, “Configuration file (Column 22 lines 25 – 30 and Column 23 lines 29 – 32), and “distributing the load in round robin fashion (Column 23 lines 61 – 64)”

6. Applicant clearly has failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts. Therefore, the examiner respectfully asserts that Devine does teach or suggest the subject matter broadly recited in independent claims 1, 10, 17 and 23. Dependent claims 2-9, 11-16, 18-22, 24, 26 and 27 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this and previous (June 24, 2004) office action.

Accordingly, the rejection for the pending Claims 1 – 24, 26 and 27 is respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 – 24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Devine et al. (U.S. Patent Number 6,606,708).

8. Regarding Claim 1, Devine teaches and describes, a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), comprising:

a dispatch host computer, said dispatch host computer being connectable to an external network (Fig. 4 and Column 6 lines 38 – 43); and

at least one load host computer coupled to said dispatch host computer, said at least one load host computer configured to provide proxy firewall services, said at least one load host computer being connectable to one or more application servers, wherein said connection from the external network is distributed from said dispatch host computer to a particular load host computer based on an analysis of the type of protocol of the connection and an analysis of activity across the load host computers (Fig. 4 and Column 9 lines 42 – 59).

9. Regarding Claim 10, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), comprising:

identifying a set of load host computers, each load host computer in said set of load host computers being configured to provide proxy firewall services (Fig. 4, 9 and Column 9 line 42 – Column 10 line 67);

monitoring one or more incoming ports at a dispatch host computer for a connection (Fig. 3 lines 27 – 40);

upon identification of said connection, selecting from said set of load host computers a load host computer to which said connection should be forwarded based on an analysis of the type of protocol of said connection and an analysis of activity across the load host computers (Fig. 4; Column 9 lines 42 – 59; Column 13 lines 28 – 59 and column 24 line 66 – Column 25 line 67).

10. Regarding Claim 17, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27) comprising:

identifying a resource intensive protocol (Fig. 4, 9; Column 9 line 42 – Column 10 line 67 and Column 24 line 66 – Column 25 line 67);

designating a load host computer for providing primary support for said resource intensive protocol (Column 9 line 24 – Column 10 line 67 and Column 13 line 30 – Column 14 line 37); and

routing a connection for said resource intensive protocol from a dispatch host computer to said designated load host (Column 7 lines 27 – 37; Column 9 line 24 – Column 10 line 67; Column 13 line 30 – Column 14 line 37 and Column 23 lines 17 – 40).

11. Regarding Claim 23, Devine teaches and describes, a method of expanding proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27) comprising:

receiving a connection at a dispatch host computer (Fig. 4, 9; Column 8 lines 22 – 35; Column 10 lines 9 – 27 and Column 13 lines 60 – 65);

selecting a first load host computer to which the connection should be forwarded; forwarding said connection to said first load host computer (Column 6 lines 38 – 43 and Column 23 lines 4 – 16);

connecting a second load host computer to said dispatch host computer; and updating a configuration tile on said dispatch host computer to reflect the connection of said second load host computer, wherein upon said updating, said second load host computer is available to process forwarded connections from said dispatch host computer (Column 7 lines 27 – 37; Column 23 lines 17 – 40 and Column 24 lines 44 – 51).

12. Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said dispatch host computer includes a monitoring element that listens for connections on multiple ports (Column 10 line 9 – 22; Column 22 lines 21 – 32 and Column 23 line 17 – Column 24 line 34).

13. Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein at least one load host computer is protocol specific load host computer (Column 23 lines 17 – 40).

14. Claim 5 is rejected as applied above in rejecting claim 1. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein at least one load host computer can handle multiple protocols (Column 23 lines 4 – 47).

15. Claim 6 is rejected as applied above in rejecting claim 1. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said at least one load host computer and said dispatch host computer communicate information regarding the connecting of said at least one load host computer to the computer system (Fig. 4 and Column 22 lines 6 – 30 and Column 24 lines 7 – 43).

16. Claim 9 is rejected as applied above in rejecting claim 1. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a

computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said dispatch host computer provides proxy firewall services (Column 21 lines 21 – 43).

17. Claim 11 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said identifying comprises communicating information between said dispatch host computer and said load host computers relating to the availability of said load host computers (Column 10 lines 9 – 27).

18. Claim 12 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said monitoring for a connection with a dispatch proxy that monitors one or more incoming ports on said dispatch host computer simultaneously (Column 10 lines 9 – 27).

19. Claim 13 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said selecting comprises selecting a load host computer based on a round robin load distribution among said load host computers (Column 23 lines 48 – 64).

20. Claim 14 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said selecting comprises selecting a load host computer based on the availability of the load host computers (Column 9 line 42 – Column 10 line 67 and Column 23 lines 17 – 37).

21. Claim 15 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said selecting a load host computer based on the percentage of the total number of simultaneous proxied connections the load host computer can support (Column 9 lines 22 – 35; Column 10 lines 9 – 27 and Column 23 lines 4 - 52).

22. Claim 16 is rejected as applied above in rejecting claim 10. Furthermore, Devine teaches and describes, a method of providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said selecting comprises selecting a load host computer that can support a resource intensive protocol (Fig. 4, 9; Column 9 line 42 – Column 10 line 67 and Column 24 line 66 – Column 25 line 67).

23. Claim 18 is rejected as applied above in rejecting claim 17. Furthermore, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), further comprising processing on the dispatch host computer a connection for at least one protocol other than resource intensive protocol (Column 10 lines 9 – 27 and Column 13 lines 60 – Column 14 lines 32).

24. Claim 19 is rejected as applied above in rejecting claim 17. Furthermore, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said designated load host provides exclusive support for said resource intensive protocol (Column 9 line 42 – Column 10 line 67 and Column 24 line 66 – Column 25 line 67), and

wherein designating includes analyzing activity across a plurality of host computers and selecting a load host computer based on the load host computer activity analysis (Column 25 lines 52 – 64).

25. Claim 20 is rejected as applied above in rejecting claim 17. Furthermore, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said designated load host is dedicated to said resource intensive protocol (Column 9 line 42 – Column 10 line 67 and Column 24 line 66 – Column 25 line 67).

26. Claim 21 is rejected as applied above in rejecting claim 17. Furthermore, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), further comprising:

designating another load host for multi-purpose support (Fig. 4 Column 8 lines 22 – 35).

27. Claim 22 is rejected as applied above in rejecting claim 17. Furthermore, Devine teaches and describes, a firewall network resource method (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said dispatch host computer has multi-purpose support (Fig. 14; Column 9 line 42 – Column 10 line 22).

28. Claim 24 is rejected as applied above in rejecting claim 23. Furthermore, Devine teaches and describes, a method of expanding proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said updating comprises communicating information between said dispatch host computer and said second load host computer regarding the availability of said second load host computer (Fig. 14; Column 7 lines 27 – 37; Column 23 lines 17 – 40 and Column 24 lines 44 – 51).

29. Claim 26 is rejected as applied above in rejecting claim 23. Furthermore, Devine teaches and describes, a method of expanding proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein

Art Unit: 2136

said connecting and said updating occur during the provision of proxy firewall services (Column 24 lines 19 – 26).

30. Claim 27 is rejected as applied above in rejecting claim 23. Furthermore, Devine teaches and describes, a method of expanding proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said connecting includes signaling the dispatch host computer upon connection (Column 24 lines 44 – 51).

31. Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said monitoring element is a dispatch proxy (Fig. 9, Column 10 lines 9 – 22).

32. Claim 7 is rejected as applied above in rejecting claim 6. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein said dispatch host computer includes a configuration file with information relating to any load host computers in the computer system (Column 23 lines 17 – 47 and Column 24 lines 35 – 43).

33. Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, Devine teaches and describes a computer system for providing proxy firewall services for a computer network (Fig. 4, 9, 12, 13a, 13b and Column 6 line 38 – Column 10 line 27), wherein upon the connection of another load host computer to the computer system, said configuration file is updated to reflect the availability of said another load host computer in the computer system (Column 23 lines 17 – 47).

Conclusion

34. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

Art Unit: 2136

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy
March 20, 2005.


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100